

LAW OFFICES OF D. SCOTT DATTAN
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	
)	
CARLOS LIKEE RAINEY,)	
et al.)	
)	
Defendant.)	
) Case No. 3:05-cr-108-02-JWS

RESPONSE ON BEHALF OF DEFENDANT
SHANNON DAWN RAINEY TO ORDER
REGARDING SCHEDULING AND PLANNING

Undersigned counsel for Defendant Shannon Dawn Rainey submits this response to the Court's order of December 23, 2005.

1. The suggestion for interim payments is reasonable and appropriate.
2. Again, sharing of resources and interim payments for CJA-21 vendor services is reasonable and appropriate.
3. At this time, it appears that there is a tremendous amount of discovery to review. To facilitate this process, the Government sent some discovery to IMIG Audio/Video. The charge to counsel was \$242.00, each. If there is a less expensive way to disseminate discovery, it should be used. IMIG refused to use the CJA-21 vouchers.

4. If this office becomes lead CJA counsel by default, the suggestion would be to appoint my paralegal as the case paralegal and discovery coordinator for the CJA attorneys. She has significant experience in this area.

5. Until the issue of a joint defense agreement has been resolved, I do not know if it is possible to use the same investigator.

6. At this time I have not had sufficient time to review discovery to identify any such problems or issues.

7. Rich Curtner indicated that space could be made available for storage, duplication and distribution of discovery at the Federal Defender's Office. This would significantly reduce the individual costs.

8. If the Federal Defender's Office is used as the central depository and a discovery coordinator is appointed, then an index could be created and distributed electronically to defense counsel.

9. Scheduling travel in advance would make planning easier as well as reducing costs. With the court's permission travel requests for requested travel will be submitted by this office in the near future.

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1. With respect to the preparation of a service list, it was my impression that this was now the province and purpose of electronic filing. To that end, this office has enrolled and the email address is dattan@alaska.net.

2. With a trial date in June, and with the discovery made available so far, a pretrial motions deadline of March 15 or April 1 would appear to be appropriate.

3. Indexing all documents by bates numbers is helpful; the US Attorney's office already does this for discovery.

4. Ms. Rainey needs neither an interpreter nor translator.

5. Certainly expert witnesses may be necessary. Any time limit imposed should be generous enough to take into account the limited personnel resources available to most criminal defense practitioners, especially those who have been appointed.

6. The court's suggestion regarding discovery costs is reasonable and appropriate.

7. The Federal Defender has volunteered the use of some space for this purpose.

8. It is too early for counsel to take a position on this issue.

In conclusion, no lead counsel for the case or for the CJA attorneys has stepped forward at this time. In response to the court's order, I placed calls to Stephan Collins, William Carey, Lance Wells, John Pharr, Scott Sterling, Alan Beiswenger, and Mark Rosenbaum and spoke with Messer's Beiswenger, Carey and Wonnell; each of them declined the mantle of lead counsel.

As indicated earlier, this office can and will act as lead counsel in this matter for the CJA attorneys at least, if no one else steps forward to do it.

Respectfully submitted this 9th day of January, 2006.

LAW OFFICE OF D. SCOTT DATTAN
Attorney for Defendant, Shannon Rainey

By: _____
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